

**2004 ENVIRONMENTAL NEGOTIATIONS COMPETITION
CONFIDENTIAL INSTRUCTIONS FOR NATALIE HARRISON AND M3
ROUND 1**

Natalie Harrison, although she is the president of M3, has a bit of an uneasy relationship with the group. Natalie would like to see the quarry operation cease, while M3 as an organization is willing to live with the quarry as long as there are strict operational controls. Natalie recognizes that without M3's support, she has little chance of succeeding, so she is willing to compromise. Natalie has made some very strong statements in opposition to Mad Max, and you can certainly share with Pollak and Mad Max that in order to get your client to resolve the case, operational controls must be clear and strict.

1. Duration of Use.

A. How long can Pollak and Mad Max continue to quarry? M3 wants a volume limit and Mad Max is willing to live with a time limit. At the end of the day, M3 could live with a time limit if Lerner Hill is not disrupted. M3 wants no more than 8 years. M3 would like to have a volume limit based on the 1982 Reclamation Plan, as long as the total volume is removed from the pit only and Lerner Hill is left untouched. M3 could live without the volume limit if necessary as long as Lerner Hill is untouched and the operational constraints are sufficient. Mad Max should not be able to continue operations until it submits a new Reclamation Plan consistent with any agreement. This could take a few months, and Mad Max will not like it. M3 could agree to some limited quarrying during the period. You have flexibility on this issue, as long as the basic goals are achieved.

B. Can Pollak and Mad Max quarry on Lerner Hill? First, Lerner Hill is near Natalie Harrison's house. Second, this has been a big issue in the press, and M3 sees it as essential that the Hill remain intact. Because the Reclamation Plan contemplates quarrying on the Hill, M3 will have to make concessions in other areas. Any agreement must preclude quarrying of Lerner Hill.

2. Conditions of Use.

M3 believes that it can control both disruption and volume by limiting operation. The weekend restrictions and the truck trips are key:

A. Hours of Operation: M3 wants to limit to M-F, 10 hours a day, no earlier than 7 am. A ban on weekend work is essential.

B. Truck Traffic: M3 wants to limit to 1982 average number of trips (based on historical data), no more than 1 truck every 2 minutes in and out of the site. Trucks must travel on approved routes only, and Mad Max must agree to road maintenance and improvement and pay an annual fee of ten to twenty thousand dollars to the County.

C. Noise: Modifications can be made to the trucks themselves (including computer based mufflers). M3 wants best available noise controls on trucks and all operations at site. The exact

details can be worked out with Pollak if the concept is acceptable.

D. Vibration/blasting: M3 wants to limit blasting to the hours of 11 to 1 on M-F, with further limits based on wind direction (which blows sound towards the residents). M3 could agree to some small modification of this requirement if necessary.

3. Monitoring and Dispute Resolution

M3 wants a full time monitor, funded by Mad Max, with monthly reports submitted to M3. This is essential. M3 wants a liquidated damages provision (setting forth the penalty for any particular violation), but could agree to give the County enforcement rights, as long as M3 can require County review of alleged violations. Obviously, any agreement on this point is contingent on the County's concurrence, which seems likely.

On behalf of Harrison and M3, you should be prepared to make the initial proposal to set the negotiation in motion. Your proposal should include something for each of the identified issues.